

States and be payable in United States currency. A remittance shall not satisfy the fee requirements of this section if the remittance is found uncollectible.

(b) *Appeal from decision of a Service officer or motion within the jurisdiction of the Board.* Except as provided in paragraph (c) of this section, a Notice of Appeal to the Board of Immigration Appeals of Decision of District Director (Form EOIR-29), or a motion related to such a case filed under this part by any person other than an officer of the Service, filed directly with the Service shall be accompanied by the appropriate fee specified, and remitted in accordance with the provisions of § 103.7 of this chapter.

(c) *Waiver of fees.* The Board may, in its discretion, authorize the prosecution of any appeal or any motion over which the Board has jurisdiction without payment of the required fee. In any case in which an alien or other party affected is unable to pay the fee fixed for an appeal or motion, he or she shall file with the Notice of Appeal (Form EOIR-26 or Form EOIR-29) or motion, an Appeal Fee Waiver Request, (Form EOIR-26A). If the request does not establish the inability to pay the required fee, the appeal or motion will not be deemed properly filed.

[61 FR 18907, Apr. 29, 1996]

Subpart B—Office of the Chief Immigration Judge

§ 3.9 Chief Immigration Judge.

The Chief Immigration Judge shall be responsible for the general supervision, direction and scheduling of the Immigration Judges in the conduct of the various programs assigned to them. This shall include:

- (a) Establishment of operational policies;
- (b) Evaluation of the performance of Immigration Judge offices, making appropriate reports and inspections and taking corrective action where indicated.

[48 FR 8040, Feb. 25, 1983]

§ 3.10 Immigration Judges.

Immigration Judges shall exercise the powers and duties in this chapter

regarding the conduct of exclusion and deportation hearings and such other proceedings which the Attorney General may assign them to conduct.

[48 FR 8040, Feb. 25, 1983]

§ 3.11 Administrative control offices.

Certain Immigration Judge offices are administrative control offices. These offices create and maintain Record of Proceedings for assigned geographical areas. All documents and correspondence pertaining to a Record of Proceeding shall be filed with the Immigration Court having administrative control over that Record of Proceeding and shall not be filed with any other Immigration Court. A list of administrative control offices with their assigned geographical areas will be made available to the public at any Immigration Court.

[52 FR 2942, Jan. 29, 1987, as amended at 60 FR 34090, June 30, 1995]

Subpart C—Rules of Procedure for Immigration Judge Proceedings

SOURCE: 52 FR 2936, Jan. 29, 1987, unless otherwise noted.

§ 3.12 Scope of rules.

These rules are promulgated to assist in the expeditious, fair, and proper resolution of matters coming before Immigration Judges. Except where specifically stated, these rules apply to all matters before Immigration Judges, including, but not limited to, deportation, exclusion, bond, rescission, departure control proceedings, and disciplinary proceedings under 8 CFR 292.3.

[57 FR 11571, Apr. 6, 1992]

§ 3.13 Definitions.

As used in this subpart:

Administrative Control means custodial responsibility for the Record of Proceeding as specified in 8 CFR 3.11.

Charging document means the written instrument which initiates a proceeding before an Immigration Judge including an Order to Show Cause, a Notice to Applicant for Admission Detained for Hearing before Immigration Judge, and a Notice of Intention to Rescind and Request for hearing by Alien.